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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,779	03/16/2004	Robert Zak	2002-047	3098

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,779

Applicant(s)

ZAK, ROBERT

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,5,15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-14 and 17-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3, 6-8, 10-14, 17-20, 22-31, 32-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kinnunen et al, WIPO Publication No. WO 03/100372 (hereinafter Kinnunen).

Regarding claim 1, Kinnunen discloses a wireless communication device comprising:

a transceiver operative to communicate in a push-to-talk mode;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands;

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a controller configured to:

activate the push-to-talk mode in the wireless communications device responsive to the predetermined voice commands; and

key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to begin transmission of the speech signals; and

un-key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to end transmission of the speech signals (see page 15).

Regarding claim 3, see Figure 3b.

Regarding claim 6, page 15.

Regarding claim 7, see Figure 1.

Regarding claim 8, see Figure 3b.

Regarding claim 10, see page 15.

Regarding claim 11, see page 15.

Regarding claim 12, see Figure 1.

Regarding claim 13, see page 15.

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Regarding claim 14, Kinnunen discloses a method of communicating speech signals as packet data from a wireless communications device comprising:

detecting speech signals spoken by a user of the wireless communications device;

recognizing predetermined voice commands spoken by the user of the wireless communications device;

activating a push-to-talk mode in a wireless communications device responsive to the predetermined voice commands;

keying a transmitter while in the push-to-talk mode responsive to detecting the predetermined voice commands to begin transmission of said speech signals;

un-keying the transmitter while in the push-to-talk mode responsive to detecting the predetermined voice commands to end the transmission of said speech signals (see page 15).

Regarding claim 17, see page 15.

Regarding claim 18, see Figure 3b.

Regarding claim 19, see Figure 3.

Regarding claim 20, see page 15.

Regarding claim 22, Kinnunen discloses a wireless communications system comprising:

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a base station; and

a wireless communications device comprising:

a transceiver operative to communicate in a push-to-talk mode;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands input by a user;

a controller configured to:

activate the push-to-talk mode in the wireless communications device responsive to the predetermined voice commands; and

key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to begin transmission of the speech signals; and

un-key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to end transmission of the speech signals (see page 15).

Regarding claim 23, see Figure 5.

Regarding claim 24, see Figure 5.

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Regarding claim 25, Kinnunen discloses a wireless communication device comprising:

a transceiver to communicate over a wireless communications network;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands; and

a controller operatively connected to said transceiver and said speech processor, and configured to:

key the transceiver responsive to the predetermined voice commands to begin transmission of the speech signals; and

un-key the transceiver responsive to the predetermined voice commands to end transmission of the speech signals (see page 15).

Regarding claim 26, see page 15.

Regarding claim 27, see page 15.

Regarding claim 28, see page 15.

Regarding claim 29, see page 15.

Regarding claim 30, see page 15.

Regarding claim 31, see page 18.

Regarding claim 32, see page 18.

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Regarding claim 33, see page 18.

Regarding claim 34, see page 15.

Regarding claim 35, see page 18.

Regarding claim 36, Kinnunen discloses a method of communicating speech signals over a wireless communications device comprising:

detecting speech signals uttered by a user of the wireless communications device;

recognizing predetermined voice commands issued by the user of the wireless communications device;

keying a transceiver in the wireless communications device responsive to the predetermined voice commands to begin transmission of the speech signals; and

un-keying the transceiver responsive to the predetermined voice commands to end transmission of the speech signals (see page 15).

Regarding claim 37, see page 15.

Regarding claim 38, see page 15.

Regarding claim 39, see page 15.

Regarding claim 40, see page 18.

Regarding claim 41, see page 18.

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Regarding claim 42, see page 18.

Regarding claim 43, see page 15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. § 103(a) as being anticipated by Kinnunen in view of Admitted Prior Art.

As per claim 9, Kinnunen does not meet the claimed transmitting limitation. Yet Applicant's disclosure admits this limitation is well known in the art (see page 11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to Kinnunen with the Admitted Prior Art. This modification would have modernized the wireless communication device by insuring the listener that the telephone has not gone dead.

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5. Claim 21 is rejected under 35 U.S.C. § 103(a) as being anticipated by Kinnunen in view of Son et al, U.S. Patent No. 6,212,408 (hereinafter Son).

On the issue of claim 21, Kinnunen fails to teach activating and deactivating a listening mode responsive to one or more menu commands input by the user. All the same, Son shows these features (observe columns 2 and 3). Consequently it would have been apparent to an individual of plan ability in the field to alter Kinnunen with the listening mode of Son. This modification would have improved the additive features of Kinnunen by enabling a user to access voice messages as stipulated by Son.

Response to Arguments

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

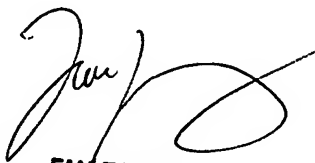
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA
Olisa Anwah
Patent Examiner
September 12, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600